



State of West Virginia  
Department of Homeland Security  
Division of Administrative Services  
Justice and Community Services

MAR 10 2021



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MIKE COLEMAN  
DIRECTOR

TO: The Honorable Mac Warner  
Secretary of State

FROM: Jeffrey D. Estep, Operations Manager/Interim LET Coordinator  
West Virginia Law Enforcement Professional Standard Program

Date: March 8, 2021

RE: Temporary Suspension of Certain Provisions of CSR Title 149, Series 2

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OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

The West Virginia Law Enforcement Professional Standards (LEPS) Subcommittee is the state entity, in conjunction with the LEPS Program of the Justice and Community Services Section of the Division of Administrative Services, Department of Homeland Security, charged with the oversight of the certification of the state's approximately 3,600 sworn law enforcement officers.

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

In accord with the March 16, 2020 Emergency Proclamation the LEPS Subcommittee and the LEPS Program respectfully requests that the following provisions of CSR Title 149, Series 2, specifically 10.1.a. and 11.2., solely related to the prohibitions for on-line or web-based training exceeding twenty-five percent (25%), be temporarily suspended through the end of the current training year. These provisions are as follows:

§149-2-10.1.a. A maximum of twenty-five percent (25%) of this training may be completed as part of on-line or web-based training program.

§149-2-11.2. Supervisory level in-service training and firearms qualifications required by the Subcommittee for continued certification shall consist of the requirements as set forth in section 10.1 and 10.2 of this rule. In addition to the requirements in 10.1 of this rule, supervisors are required to complete eight (8) hours in a Subcommittee approved supervisory level in-service training program within a 24 month period. A maximum of twenty-five percent (25%) of the training may be completed as part of an on-line or web-based training program.

During the January and February meetings of the LEPS Subcommittee, it was voted "to suspend the In-service training rule by allowing that 100% of an officer's Annual and Supervisory In-Service Training for the current training year be allowed to be completed on-line; provided however, that any hours taken on-line over and above the already permissible 25% may only be considered as meeting continuing certification requirements if the on-line course(s) are provided by one or more of the platforms adopted and approved at the February 25, 2021 LEPS Subcommittee meeting."

Approved platforms are as follows:

**POLICE ONE ACADEMY:** <https://www.policeoneacademy.com/>

**VIRTUAL ACADEMY:** <https://www.virtualacademy.com/>

**JOHN E. REID & ASSOCIATES, INC.:** <https://reid.com/programs/virtual>

**FBI NATIONAL ACADEMY:** <https://fbiva.fbiacademy.edu>

**SHEEPDOG RESPONSE VIRTUAL TRAINING:** <https://sheepdogresponse.com/>

**STREET COP TRAINING:** <https://streetcoptraining.com/>

Furthermore, at the February 2021 meeting, the LEPS Subcommittee voted to extend the end of the current training year from June 30, 2021 to December 31, 2021 to allow law enforcement officers more time to meet their mandated in-service training requirements.

NOTE: All in-service training requirements and timelines for the training period ending June 30, 2022 will remain unchanged regardless of the above-referenced extension.

The preceding sections of this rule addressing the law enforcement training and certification standards, and the amount of In-service (law enforcement version of continuing education units) and the number and types of firearms qualifications required to be completed during an annual fiscal year cycle by a certified sworn law enforcement officer in this state, place many of these individual officers, and their respective agencies, in a position where they are unable to comply during the period of the emergency as declared by the Governor.

The police agencies, and their respective officers, have been required to address the state of emergency. Further, the requirements set by the Governor as to the numbers of people who may gather in one location have caused such trainings and firearms qualifications to be unsafe and in violation of the Governor's emergency order, hence causing those police trainers and organizations who present such In-service training and firearms qualifications to postpone or cancel these trainings and firearms qualifications.

All of the state's sworn certified law enforcement officers hold a professional certification that will expire on June 30, 2021 if they fail to meet current In-Service Training Requirements. Approximately one-half of those officers, 1,800, are projected at this time to be unable to finish the trainings required to be completed by that time because of the shortage of approved training events caused by the state of emergency. The temporary suspension of §149-2-10.1.a. will facilitate the protection of the public by allowing these officers to remain certified and attend on-line training, and thereby able to continue working, beyond the current June 30, 2021 expiration deadline.

Thank you for your time and attention to this request.

